REQUEST FOR PROPOSALS

State Energy Efficient Appliance Rebate Program II
(SEEARP II)

RFP #400-09-405

www.energy.ca.gov/contracts

State of California

California Energy Commission

March 25, 2010

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I. Introduction

Background

California is participating in the State Energy Efficient Appliance Rebate Program (SEEARP), administered by the U.S. Department of Energy (DOE). The SEEARP was created by the federal Energy Policy Act of 2005 and is funded by the American Recovery and Reinvestment Act of 2009 (ARRA), which provides $787 billion nationally in economic investment to stimulate the economy. California has been awarded $35.2 million. This program provides appliance rebates to eligible residential consumers for the purchase of California-qualified residential ENERGY STAR® appliances during the specified rebate offer period. The objectives of the SEEARP are:

- Save energy by encouraging appliance replacement through consumer rebates;
- Make rebates available to consumers for efficient appliances;
- Leverage SEEARP funds with existing rebate programs and partnerships;
- Keep administrative costs low while adhering to the federal monitoring and evaluation requirements;
- Promote state and national rebate tracking and accountability; and
- Use existing ENERGY STAR® consumer education and outreach materials.

As specified in DOE's SEEARP Funding Opportunity Announcement (DE-FOA-0000119), U.S. States, territories, and the District of Columbia ("states") are eligible to receive formula-based grants to support state-specific residential appliance rebate programs. Each state may determine the scope of its program, including which appliance categories to include and the rebate amounts that will be provided for each project type. States may use SEEARP funds to pay for the rebates and up to 50 percent of program administrative costs.

As California does not currently directly oversee any appliance rebate programs, the Energy Commission has issued SEEARP guidelines to create and implement a rebate program for the State. The *California State Energy Efficient Appliance Rebate Program Guidelines*, adopted December 16, 2009, can be found at:

http://www.energy.ca.gov/2009publications/CEC-400-2009-025/CEC-400-2009-025-CMF.PDF

Purpose of RFP

The purpose of this RFP is to select a qualified third-party rebate fulfillment company ("Contractor") to provide services that include accepting and processing the mail-in rebate applications received from the public, verifying and validating submitted claim materials, and transmitting electronic claim files for each eligible rebate claim to the State Controller's Office.

This solicitation is a reissuance of a cancelled solicitation (#400-09-404), which has been modified to: (1) require that the Contractor and all subcontractors be incorporated in the United States or its territories; (2) require that the Contractor and all subcontractors perform all SEEARP-funded work in the United States or its territories; and (3) award a preference to California-based entities, as described in Attachment 5. Neither the Contractor nor its subcontractors may expend SEEARP funds for activities or expenses outside of the United States or its territories.

The Contractor will be relied upon for its service and expertise with rebate programs and fraud prevention and detection. The scope of work listed in Part II of this RFP (Scope of Work and Deliverables) includes the specific tasks for which the Contractor will be responsible.

KEY ACTIVITIES AND DATES

Key activities and times for the RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

ACTIVITY	ACTION DATE
RFP Release	March 25, 2010
Deadline to Submit Proposals by 3:00 p.m.	**April 5, 2010**
Notice of Proposed Award	April 6, 2010
Commission Business Meeting	April 21, 2010
Contract Start Date	April 22, 2010
Contract Termination Date	January 2012

AVAILABLE FUNDING

DOE has allocated the Energy Commission $35.2 million for the California SEEARP. No more than $1.1 million will be allocated for the contract resulting from this RFP. The remainder of the SEEARP funds will be allocated to additional administrative tasks and the public in the form of rebates. Rebates will be awarded on a first-come, first-served basis to eligible residential consumers who purchase California-qualified residential ENERGY STAR® products during the specified rebate offer period and recycle their old appliance. In accordance with DE-FOA-0000119, the SEEARP will supplement and not supplant current rebate offerings available through existing utility programs.

FEDERAL AND STATE LAWS, REGULATIONS, AND GUIDELINES

Projects funded by ARRA must comply with various federal and state requirements. Bidders should review the Energy Commission's Terms and Conditions attached to this RFP for information regarding these requirements. As specified in the Terms and Conditions, the Contractor selected through this solicitation shall be deemed a "vendor" pursuant to federal law and Office of Management and Budget guidelines.
Bidders should be familiar with the following federal and state authorities and guidelines that apply to the SEEARP:

Federal

The American Recovery and Reinvestment Act of 2009
http://www.energy.ca.gov/recovery/documents/HR1.pdf

Department of Energy State Energy Efficient Appliance Rebate Program Funding Opportunity Announcement (DE-FOA-0000119)

https://www.fedconnect.net/FedConnect/?doc=DE-FOA-0000119&agency=DOE

Title 10 Code of Federal Regulations (CFR) Part 600: Financial Assistance Rules
http://www.gpoaccess.gov/cfr/index.html
Office of Management and Budget ARRA Reporting Requirements
http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf
http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-supp1.pdf
http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-supp2.pdf
Federal Government Recovery Website
http://www.recovery.gov
U.S. Dept. of Energy Recovery Website
http://www.energy.gov/recovery
U.S. Dept. of Justice Guide to Grant Oversight and Best Practices for Combating Grant Fraud
http://www.justice.gov/oig/special/s0902a/final.pdf
Council of Economic Advisers' Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009, May 2009
http://www.whitehouse.gov/assets/documents/Estimate_of_Job_Creation.pdf

State

California Energy Commission State Energy Efficient Appliance Rebate Program Guidelines
http://www.energy.ca.gov/2009publications/CEC-400-2009-025/CEC-400-2009-025-CMF.PDF
Office of the State Controller's Electronic Claims Submission Requirements Manual
http://www.sco.ca.gov/sco_elec_claim_submission_reqts_manual.html
California Energy Commission Recovery Website
www.energy.ca.gov/recovery
State of California Recovery Website
www.ca.gov/recovery
State Controller's Office Electronic Claim, Submission Requirements Manual
http://www.sco.ca.gov/sco_elec_claim_submission_reqts_manual.html
California Secretary of State's Office
www.sos.ca.gov

California business entities as well as non-California business entities conducting intrastate business in California are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If not currently registered with the California Secretary of State, Bidders are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project (should the application be successful). For more information, contact the Secretary of State's Office via its website, listed above.

FUNDING LIMITATIONS

ARRA SEEARP funding may not be used to fund projects for gambling establishments, aquariums, zoos, golf courses, or swimming pools.

Contact Information

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Responses to this RFP

Responses to this RFP shall be in the form of a Technical and Cost Proposal according to the format described in Section IV of this RFP (Proposal Format, Required Documents, and Delivery). The Technical Proposal shall document the Bidder’s and any subcontractor’s approach, experience, qualifications, and project organization to perform the tasks described in Part II (Scope of Work and Deliverables), and the Cost Proposal shall detail the Bidder’s and any subcontractor’s budget to perform such tasks.

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the Commission Contract Manager (CCM). Each of the tasks below lists the minimum elements that a submitted proposal must contain to demonstrate that the Bidder and any subcontractor are able to perform the task, and the deliverables that will be required in relation to that task.

Proposal Section 2, Technical Response must include a description of the Bidder's and any subcontractors' approach to the tasks below (see "Organize Your Proposal as Follows" part of Section IV, Proposal Format, Required Documents, and Delivery).

BACKGROUND

The complete program description is found in the Energy Commission's *California's State Energy Efficient Appliance Rebate Program Guidelines*, available at:

http://www.energy.ca.gov/2009publications/CEC-400-2009-025/CEC-400-2009-025-CMF.PDF

. Bidders are expected to review the *Guidelines* before preparing their proposals.

SCOPE OF WORK AND DELIVERABLES

Task 1: Contract Management

Task 1.1: Kickoff Meeting

The Contractor shall:

- Attend a "kick-off" meeting with the CCM, Contracts Officer, the Accounting Office, and the State Controller's Office (SCO). The Contractor's Project Manager, Contract Administrator, and Accounting Officer shall attend this meeting. The administrative and technical aspects of this contract will be discussed.
- Summarize the topics discussed and meeting outcomes.

Deliverables:

- Kick-off meeting summary notes
- Work Plan (draft)

Task 1.2: Invoices

The Contractor shall:

- Prepare an invoice for all contract expenses performed. The official invoice must be submitted to the Energy Commission's Accounting Office.

Task 1.3: Subcontractors

In the event subcontractors are part of the Contractor's proposal, the Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If new subcontractors are added, the Contractor shall notify the CCM who will follow the Energy Commission's process for adding or replacing subcontractors.
- All subcontractors must be incorporated within the United States or its territories and perform all SEEARP-funded services under this contract within the United States or its territories.

Task 1.4: Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of the project.

The Contractor shall:

- Prepare monthly progress reports which summarize all contract activities conducted by the Contractor for the reporting period, including:
  - An assessment of the ability to complete the contract within the current budget and any anticipated cost overruns.
  - Description of fraud prevention and detection required by Task 8 below.
  - Data regarding the issuance of rebates that are consistent with the Quarterly Progress Report template defined by DOE found at: [http://www.drintl.com/htmlemail/stateappliancerebateprogram/jan10/SEEARP_Quarterly_Progress_Report_Template_Ver_1.0.xls].
- Each progress report is due to the CCM within 15 working days after the end of the reporting period. These shall be in addition to the daily rebate status updates needed during the rebate period and described under subsequent tasks.

Deliverables:

- Monthly Progress Reports

Task 1.5: Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work performed under this contract. The CCM will review and approve the Final Report. The Final Report must be completed on or before the termination date of the contract.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission and will be preparing a confidential version of the Final Report as well, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

Task 1.5.1: Final Report Outline

The Contractor shall:

- Prepare a draft outline of the Final Report.

- Submit the draft outline of Final Report to the CCM for review and approval. The CCM will provide written comments to the Contractor on the draft outline within 10 working days of receipt.
- Submit the final outline to the CCM once agreement has been reached on the draft. The CCM shall provide written approval of the final outline within 5 working days of receipt.

Deliverables:

- Outline of the Final Report (draft and final)

Task 1.5.2: Final Report

The Contractor shall:

- Prepare the draft Final Report for this Agreement in accordance with the approved outline.
- Submit the draft Final Report to the CCM for review and comment. The CCM will provide written comments within 10 working days of receipt. Once agreement on the draft Final Report has been reached, the CCM shall forward the electronic version of this report to the PIER Technology Transfer Group for final editing. Once final editing is completed, the CCM shall provide written approval to the Contractor within 5 working days.
- Submit one bound copy of the Final Report with the final invoice.

Deliverables:

- Final Report (draft and final)

Task 1.6: Work Plan

The Contractor shall:

- Propose and adhere to a work plan for the duration of the contract and its service to the Energy Commission. The draft work plan shall be presented at the kickoff meeting described in Task 1.1, and revised per direction and discussions of the CCM.

Deliverables:

- Work Plan (final)

Task 1.7: Other Meetings

The Contractor shall:

- Attend both formal and informal meetings with Energy Commission staff and SCO when requested to do so. Requested meetings may also involve interacting with representatives from the Department of Finance and other state agencies, Official Partners of the program (including utilities, appliance retailers, appliance manufacturers, recyclers, and marketers and buyers), or representatives from federal entities.
- Submit regular status reports to the Energy Commission according to a schedule determined at the initial kickoff meeting for the project.

Deliverables:

- Status Reports
- Meeting notes as required

Task 2: Receiving, Logging, and Tracking of Rebate Claims

The Contractor shall:

- Receive all rebate applications submitted by the public.
- In consultation with the CCM and the SCO, and consistent with the requirements of a complete application, establish the content of a secure master rebate application tracking file and the general format and template for provision of rebate tracking data to the Energy Commission. This file must contain sufficient fields to perform all duties specified in this scope of work including claim tracking, evaluation, validation, transmission of electronic claims files, and reporting.
- Log, record, store, and accurately track all rebate claim materials and information, including rebate status (including but not limited to total received and logged, location of claimant, appliance types and cost, compliance with program rules including recycling of old appliance, approved, denied, payments undeliverable by U.S. Post Office, paid and closed) for use under subsequent tasks (including Task 6, Provision of Customer Service and Task 7, Contribution to Federal Reporting and Auditing).

Deliverables:

- Rebate application tracking file template (draft and final)
- Rebate data reporting templates (draft and final) for subsequent tasks
- Accurate tracking data when needed by rebate applicants or the Energy Commission (for Task 6) or for necessary reports or audits (for Task 7)
- Accurate final records at the conclusion of the rebate period for use under this Task 3.

Task 3: Evaluation of Rebate Claims

The Contractor shall:

- Evaluate all submitted rebate claims for compliance with eligibility requirements and with all applicable program rules including recycling.
- Accurately verify and assess the validity of each claim according to the Energy Commission's SEEARP Guidelines, rebate application materials, and specified terms and conditions. Requirements within these documents include, but are not limited to, residency and purchase requirements, recycling requirements and application requirements. (See attachments 17 and 18 for drafts of the Rebate Application and Recycling Form)
- Provide the Energy Commission with lists of approved and denied rebate claims for use in Tasks 5 (Transmittal of Electronic Claim Files for Validated Rebate Claims) and 7 (Contribution to Federal Reporting and Auditing), and with reports as requested for compliance tracking and program evaluation.
- Clearly document reasons for denying rebate claims and provide the Energy Commission with documentation of reasons for rebate denials.
- Engage in practices to detect and prevent fraud, waste, and abuse.
- Provide the Energy Commission with final dispositions of evaluations and all claim-related documents at the conclusion of the SEEARP.

Deliverables:

- Description of specific evaluation and validation protocols to be used to determine if submitted rebate claims meet all requirements consistent with the Energy Commission's SEEARP Guidelines, rebate application materials, and specified terms and conditions. Requirements within these documents include, but are not limited to, residency and purchase requirements, recycling requirements and application requirements.
- Lists of approved and denied rebate claims.
- Documentation of reasons for rebate denials.
- The comprehensive final dispositions of rebate claim materials and evaluations at the conclusion of the SEEARP.

Task 4: Transmittal of Electronic Claim Files for Validated Rebate Claims

Task 4.1: Testing of Electronic Claim Files Interface

The Contractor shall:

- Utilize and integrate the electronic claim processing interface as defined by the Energy Commission for the Energy Commission to transmit electronic claim files to SCO for approved rebate claims.
- Transmit secure electronic claim files that meet the requirements specified by the Energy Commission and those specified by SCO in its Electronic Claims Submission Requirements Manual.
- Receive a comma separated file (CSV) from the Energy Commission that contains warrant rebate application claims that have been paid and integrate that list into the Contractor's tracking system for rebate oversight.
- Test both interfaces with the Energy Commission, summarize the interface test results for the Energy Commission, and participate in problem resolution.
- Meet with the Energy Commission as necessary to successfully implement the electronic claim file interface prior to the public launch of the rebate program.

Deliverables:

- Documentation of the fully functioning electronic claim file interface.
- Interface test results summary.
- Master file layouts, valid claim file layouts, record descriptions, and data dictionary of the data and/or data systems used to generate the claims CSV so the Energy Commission can verify that data elements included in that file match the SCO's data layout.

Task 4.2: Transmittal of Electronic Claim files for Validated Rebate Claims

The Contractor shall:

- Send the electronic claims CSV file to a designated secured Energy Commission File Transfer Protocol (FTP) site that is a web-based application that the Energy Commission will manage. These files must be secure and meet the requirements specified by the Energy Commission and those specified by SCO in the its Electronic Claims Submission Requirements Manual.

- Receive a CSV file from the Energy Commission that contains the Data Exchange (DEX) File provided by SCO for each electronic claim file submitted in the tracking files under Task 3 (the file will contain warrant numbers and other data), and update each rebate claim record.
- Work with the Energy Commission to resolve SCO audit exceptions in a timely manner (no later than 7 working days after notice of exception), in order to ensure prompt payment of rebates. The Energy Commission will inform the Contractor of audit exceptions via e-mail. The Contractor will determine whether the customer's claim is valid or must be resubmitted or rejected, and will inform the Energy Commission of its determination via e-mail.
- Notify the customer if the claim must be resubmitted or has been rejected.
- Submit reports on audit exceptions, as part of the monthly status report under Task 1 and as required under Task 3.
- Provide the Energy Commission with a report detailing the transmittal and tracking of each validated rebate claim.
- Provide the Energy Commission with necessary documentation relating to escheat of unclaimed rebate funds to the State (relevant provisions of California law relating to escheat include Part 3, Title 10 of the California Code of Civil Procedure, California Government Code Section 16304.1, and State Administrative Manual Sections 8042, 8422.7, and 8710).

Deliverables:

- Interface test results summary.
- CSV file containing validated rebate claims.
- E-mails to the Energy Commission containing resolution of SCO audit exceptions.
- Report on resolution of SCO audit exceptions in the monthly status report under Task 1 and as required under Task 3.
- Monthly transmittal and tracking report reflecting SCO DEX files and accurate rebate claim records for paid rebates.
- All necessary documentation relating to escheat of unclaimed rebate funds to the State.
- Send a confirmation email to the Energy Commission upon successful receipt and update of the warrant issue data file.
- Receive a confirmation email from the Energy Commission upon its successful receipt and update of the electronic claims file.

Task 5: Provision of Customer Service

The Contractor shall:

- Provide customer service to the general public, including answering basic questions of eligibility, application process, and submitted claim status, and interacting with denied claimants. The Contractor must be able to provide these services in multiple languages, including at a minimum English and Spanish.
- Provide service both by phone and through an online mechanism by making use of its existing, established resources. The Energy Commission shall not fund the development of new resources.

- Accept the Energy Commission-established public, toll-free call-in number and a web-based or e-mail based methods for receiving and responding to inquiries from the public (if such public communication tools do not currently exist).
- Provide written responses, as required, to technical and process questions posed by Energy Commission, State Controller's Office, or U.S Department of Energy staff.
- Promptly alert Energy Commission staff to encountered problems, difficulties or issues, work with staff to resolve encountered issues, and in general maintain an open dialogue with staff in regards to program operations.
- Provide the Energy Commission with written, daily updates regarding the total number of claims received, approved, and remaining for each appliance category from the start of the rebate period until such time as funds are known to be exhausted or the rebate period has closed, whichever comes first. (As there are a limited number of rebates that are awarded on a first-come, first-served basis, the Energy Commission is extremely sensitive to the need to keep all customers aware and informed of the number of remaining available rebates to prevent oversubscription.)

Deliverables:

- Documentation of a fully functional public toll-free call-in number and the protocols to be followed by the contractor for receiving and responding to inquiries from the public.
- Documentation of a web-based or e-mail based method and the protocols to be followed by the contractor for receiving and responding to inquiries from the public.
- Written responses (including any required data) to the Energy Commission or DOE to any technical and process questions posed by Energy Commission or DOE staff (as required)
- Written statements of problems, difficulties, or issues (as required)
- Written daily updates regarding the total number of rebates received, approved, denied and remaining for each appliance category from the start of the rebate period until such time as funds are known to be exhausted or the rebate period has closed, whichever comes first.
- Monthly report of public inquiries, response times, actions required and any outstanding inquiries to be addressed.

Task 6: Contribution to Federal Reporting and Auditing

As a part of ARRA, the rebate program is subject to the reporting requirements of both the administering federal agency (DOE) and the federal Office of Management and Budget. In addition, all programs funded under ARRA are subject to audit to verify that funds are being used as intended. In order to meet these requirements and obligations, the Contractor must provide timely, accurate and complete information regarding program status on an as-needed basis.

The Contractor shall:

- Respond to data requests from the Energy Commission or DOE on an as-needed basis, in the form requested.
- Make all of its records relating to this program open and available to federal and state personnel upon request.

- Create summaries and/or reports that demonstrate due diligence in reviewing and approving rebate claims, upon request. (Data and reports that are known to be needed in advance will be considered to be part of Task 1, which covers regular status reports.)

Deliverables:

- Responses to data requests from the Energy Commission or DOE (upon request and in the form requested)
- Data summaries and/or compiled reports reflecting the distribution of rebate funds to approved claimants (upon request)

Task 7: Fraud, Waste, and Abuse Prevention and Detection

The Contractor shall:

- Draft an initial plan outlining all best management practices and fraud prevention and detection measures implemented for this program, including contractor operations and claim validation.
- Recommend and implement appropriate strategies and practices to prevent and detect fraud, waste and abuse of the rebate program among rebate applicants.
- Recommend and implement appropriate internal controls and other practices to prevent and detect fraud, waste and abuse within the Contractor’s own corporation and among any subcontractors.
- Submit reports to the Energy Commission on best management practices and fraud, waste, and abuse prevention measures.

Deliverables:

- An initial plan outlining all best management practices and fraud prevention and detection measures implemented for this program, delivered to the CCM at the Kick-Off Meeting convened under Task 1 above.
- Monthly reports on best management practices, any findings of potential fraud, waste and abuse, and the resolution of such findings.

DELIVERABLES AND DUE DATES

Task	Deliverable	Due Date
1	Summary Meeting Notes	5 working days after kick off meeting
	Monthly Progress Reports	Monthly
	Final Report Outline	Draft – May 10, 2010 Final – June 3, 2010
	Final Report	Draft - one month after the final rebate is issued, but no later than January 15, 2012 Final - two months after the final rebate is issued, but no later than January 30, 2012
	Work Plan	Draft -- April 23, 2010; Final – May 6, 2010
	Status Reports	Monthly
	Meeting Notes	As required
2	Tracking file template	Draft -- April 23, 2010; Final – May 6, 2010
	Reporting template	Draft -- April 23, 2010; Final – May 6, 2010
	Accurate tracking data for Reports and Audits	As necessary
	Accurate final records	One month after the final rebate is issued, but no later than January 15, 2012
3	List of approved and denied rebate claims	Weekly
	Rebate denial documentation	Monthly
	Comprehensive evaluation dispositions	One month after the final rebate is issued, but no later than January 15, 2012

Task	Deliverable	Due Date
4	Documentation of the fully functioning electronic claim file interface	May 13, 2010
	Interface test results summary	May 18, 2010
	Master file layouts, record descriptions, and data dictionary of the data and/or data systems used to generate the claims CSV	April 23, 2010
	CSV file containing validated rebate claims	Daily
	E-mails to the Energy Commission containing resolution of SCO audit exceptions.	As required, no later than seven working days after notice of exception
	Report of Resolution of Audit Exceptions	Monthly and as needed
	Report of transmittal and tracking report reflecting SCO DEX files and accurate rebate claim records for paid rebates	Monthly
	Escheat documentation	Six months after the last rebate is issued, but no later than January 15, 2012
5	Toll-free call-in number documentation	April 23, 2010
	Documentation of a web and e-mail based response mechanism	April 23, 2010
	Written responses to technical or process questions	As required
	Written statements of problems, difficulties & issues	As required
	Written rebate updates	Daily
	Summary Reports on Customer Services	Monthly
6	Responses to data requests	Upon request
	Data summaries and reports	Upon request
7	Initial Plan	Kick off meeting
	Monthly reports on fraud, waste, and abuse prevention and detection activities	Monthly

III. Evaluation Process and Criteria

About This Section

This section explains how proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

During the evaluation and selection process, the Energy Commission may interview a Bidder either by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to add to or change the contents of the original proposal.

Proposal Evaluation

To analyze all Proposals, the Energy Commission will organize an Evaluation Committee. The Proposals will be analyzed in two stages:

Stage One: Administrative and Completeness Screening

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. This includes documentation that the bidder and all subcontractors are incorporated within the United States or its territories, and will perform all SEEARP-funded work within the United States and its territories. Proposals that fail Stage One may be disqualified and eliminated from further evaluation.

Stage Two: Technical and Cost Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section. The Evaluation Committee may, at its discretion, seek clarification of any point in the written technical proposal through a clarification interview with the Bidder. All Preferences will be applied, if applicable, to all proposals attaining a minimum technical score of 700 points or more. Proposals not attaining a minimum technical score of 700 points or more shall not be eligible for award.

Notice of Proposed Award

The contract shall be awarded to the responsible bidder with the highest combined score that meets all minimum program requirements specified by this RFP, including demonstration that the bidder and all subcontractors are incorporated within the United States or its territories, and will perform all SEEARP-funded work within the United States or its territories, and no SEEARP funds will be expended outside the United States or its territories. Subsequent to the Proposal evaluations, the Energy Commission will post a "Notice of Proposed Award" at the Commission's headquarters in Sacramento, and on the Commission's Web Site.

Scoring Scale

The Evaluation Committee will give a score from zero (0) to ten (10) for each criterion described below. The point calculations reflect the averages of the combined scores of all Evaluation Committee members.

Point Scale

0 Points	✓ Is not in substantial accord with the RFP requirements. ✓ Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of product and/or service. ✓ Provides an advantage to one competitor over the other competitors, for example, not paying minimum wages.
1-3 Points	✓ The proposal states a requirement, but offers no explanation of how or what will be accomplished. ✓ The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.
4-6 Points	✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	✓ Satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an exemplary manner, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).
10 Points	✓ Exceeds the minimum requirements and specifically describes how and/or what will be accomplished both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, templates, etc.).

PREFERENCE POINTS

A Bidder may qualify for non-technical preference points such as Small/Micro Small Business, Non-Small Business, California Based Entity (CBE), and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation of 700 points will receive the applicable preference points.

Small / Micro-Business

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. Bidders qualifying for this preference must submit their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

Non-Small Business

Government Code Section 14838(b)(2) also provides for a non-small business preference.

The preference to a non-small business bidder that commits to small business or micro-business subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the highest responsive, responsible bidder's total score (RFP secondary). A non-small business, which qualifies for this preference, may not take an award away from a certified small business. The small business regulations are located at 2 CCR 1896 et seq. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should complete RFP Attachment 7.1 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review RFP Attachment 7.2 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review RFP Attachment 7.3 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

California-Based Entity

The Energy Commission will award preference points if the proposal meets the criteria for a CBE (as described in Attachment 5), and documents its eligibility in Attachment 6.

Disabled Veteran Business Enterprise Incentive

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information in Attachment 3.1 explains how the incentive is applied and how much of an incentive will be given.

EVALUATION CRITERIA AND WEIGHT FACTORS

All proposals must include the elements discussed below, in sufficient detail to determine a score. (Please note the basis for criteria 1 through 6 is the Bidder's "Approach to Tasks in Scope of Work" document, which must be submitted as part of Proposal Section 2 Technical and Cost Response (see Part IV of this RFP)

Evaluation Criteria	Weight Factors	Total Possible Score
1. Accuracy: The Bidder's proposal will be evaluated based on the processes and methods shown for determining the general validity of rebate claims (all materials included, address is a valid residential address, retailer is located in California, etc.) and the discussion of how incorrect approvals of incomplete or inadequate rebate applications are minimized, how incorrect denials of complete applications are minimized, and how incorrect determinations are handled when they are discovered. This score will be based on: • Stated accuracy, in percent of applications processed. • Methods used to minimize incorrect rebate approvals and disapprovals. • Staffing and responsibilities for ensuring accuracy. • Handling of incorrect determinations when discovered.	10	100
2. Capacity and Speed as a Rebate Processor: The Proposal will be evaluated based on the capacity of the Bidder to handle large volumes of rebate claims and accurately process these rebates in a timely manner as demonstrated in the proposal. This score will be based on: • Stated total rebate processing capacity. • Stated current workload / obligation to other clients and proportion of available capacity that this contract would represent. • Completeness of rebate processing timeline. • Reasonableness of time allocated to each element of the timeline. • Overall time between receipt of rebate claim and final determination/ issuance of rebate.	10	100

Evaluation Criteria	Weight Factors	Total Possible Score
3. <u>Interoperability</u>: The selected Bidder must work directly with the California Energy Commission and the Office of the State Controller (SCO). The Bidder must also provide data and materials sufficient for the Energy Commission to fulfill reporting requirements to the DOE and the federal Office of Management and Budget. This score will be based on: • Examples, if any, of prior experience working with government agencies or in a governmental context. • Examples, if any, of prior experience working specifically with California agencies including SCO, or with the DOE or the Office of Management and Budget. • Sample reports prepared for clients showing format, styles and completeness. • Descriptions of a secure electronic claim protocol that can meet the requirements specified by the Energy Commission and the Office of the State Controller's Electronic Claims Submission Requirements Manual. • Demonstrated awareness of governmental reporting requirements for the SEEARP as defined by the DOE. • Described master file layouts, record descriptions, and data dictionary of the data and data systems.	10	100
4. <u>Transparency</u>: The Proposal shall be scored based on the transparency of the proposed rebate process to both government agencies and to the public. Given the constraints of the program, keeping the public informed of the current status and availability of rebates is of paramount importance. It is further anticipated that the program will be audited at some point. This score will be based on: • Recordkeeping practices. • Data availability, both to the public and to clients. • Examples, if any, of prior experience in an audit.	5	50

Evaluation Criteria	Weight Factors	Total Possible Score
5. <u>Security</u>: The Proposal shall be scored based on the ability of the Bidder to detect, prevent, and minimize fraud, waste, and abuse, both among rebate applicants and among the Bidder's own personnel and subcontractors. This criterion is distinct from the general accuracy criterion as it incorporates fraud prevention and detection elements beyond the receiving and general validity screening of submitted rebate claims. This score will be based on: • Described fraud, waste and abuse detection methods. • Described proactive fraud, waste and abuse prevention measures and minimizing practices. • Described method of handling suspected fraudulent or abusive rebate claims, business practices or other incidents. • Identified additional desired information security capabilities per Attachment 16. (Failing to meet the minimum information security requirements as identified in Attachment 16, shall disqualify the proposal.	10	100
6. <u>Customer Service</u>: The Proposal shall be scored based on the ability of the Bidder to provide customer service both to rebate claimants and to the general public. Customer service includes: providing basic information on the rebate program (in coordination with the Energy Commission and the Official Partners of the program), providing information on rebate status to claimants, addressing consumer complaints and handling contact with claimants whose rebate claims have been denied. This score will be based on: • Capacities and experience providing public telephone call-in number and automated / live processes, language support and response times, recordkeeping, and any follow-up to public inquiries. • Technical capabilities and experience providing online communication and tools, as well as proposed staffing and language support. • Ability of above channels to deliver basic program information to active and potential participants. • Access of claimants to current rebate status and ability to address or resolve encountered problems using the above channels.	10	100

Evaluation Criteria	Weight Factors	Total Possible Score
7. <u>Team Organizational Structure</u> This score will be based on: • Bidder's organizational structure, including company as a whole and specifically the entire contract team. • Location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State. • History of working relationship between the team members, governmental agencies, subcontractors, private partners, including any significant success stories. • Professional awards. • Organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract. • Any technical capabilities that would facilitate communicating with the Energy Commission and the SCO (e.g., internet capability and electronic reports).	5	50
8. <u>Team Experience and Qualifications</u> The Proposal will be scored on the ability of the Bidder to demonstrate that it possesses sufficient staff with adequate experience and capabilities to successfully fulfill the requirements of this program. This score will be based on: • Length of time the respondent has been engaged in the work of processing product rebates. • Quality of examples of previous work products. • Project team's qualifications and experience performing the tasks described in the Scope of Work. • Percentage of time each team member will be available throughout the contract. • Administration, management, and technical expertise in performing pertinent tasks identified in the Scope of Work.	10	100

Evaluation Criteria	Weight Factors	Total Possible Score
9. <u>Project Budget (Cost Factor)</u>: This score will be based on: • Consistency of budget with the Scope of Work. The project budget itemizes reasonable costs for personnel, in-direct costs, subcontractors, equipment, operating expenses, fees, etc., for each task. • The proposal itemizes the budget in sufficient detail to justify the expenditures by task. The Budget includes the required information for personal services, subcontractors, operating expenses, fees, and total expenditures. The budget shows that key personnel and subcontractors will be committed to the project for the appropriate number of hours and functions to accomplish the activities described in the work statement.	30	300
<u>Total Technical Score (minimum: 700)</u>	100	1000
<u>Small / Micro Business Preference</u>	Points based on highest technical score	
<u>Non-Small Business Preference</u>	Points based on highest technical score	
<u>TACPA, EZA, or LAMBRA</u>	Points based on highest technical score	
<u>CBE Preference</u>	Points based on CBE commitment. See Attachments 5 & 6.	
<u>DVBE Incentive</u>	Points based on DVBE commitment. See Attachment 3.1.	
<u>Total Score</u>	Total score based on total technical score and applicable preference points.	

IV. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Energy Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, single-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred. Tabs are encouraged. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original **and** 5 copies of the proposal (Sections 1 and 2).

Bidders must also submit electronic files of the proposal on **CD-ROM diskette** along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Attachments provided only in PDF may be submitted in PDF format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the proposal must be labeled "Request for Proposal – SEEARP Rebate Services," and include the title of the proposal:

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone#
Bidder's Name
Street Address
City, State, Zip Code
FAX #

RFP 400-09-405
Contracts Office, MS-18
California Energy Commission
1516 Ninth Street, 1st Floor
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered **no later than 3:00 p.m.**, to the Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR PROPOSAL AS FOLLOWS:

Section 1, Administrative Response

1.	Cover Letter	
2.	Table of Contents	
3.	Contractor Status Form	Attachment 1
4.	Proof of Registration or Incorporation	Prime and all Subcontractors
5.	Darfur Contracting Act Form	Attachment 2
6.	Disabled Veteran Business Enterprise Form	Attachment 3.3
7.	Bidder Declaration form GSPD-05-105	Attachment 3.4
8.	Small Business Preference Certification(s)	Certificate(s) for any Small Businesses
9.	Contractor Certification Clauses	Attachment 4
10.	CBE Preference Questionnaire	Attachment 6
11.	TACPA, EZA, LAMBRA forms	Attachments 7.1, 7.2, and/or 7.3 (if applicable)
12.	Financial Management Information Form	Attachment 8

Section 2, Technical and Cost Response

1.	Executive Summary	Attachment 9
2.	Approach to Tasks in Scope of Work	See required detail below in 1.
3.	Team Organizational Structure	See required detail below in 2.
4.	Project Team Experience and Qualifications	See required detail below in 3.
5.	Team Resumes	See requirement below in 3.
6.	Client References	Attachment 10. See also 4 below.
7.	Previous Work Products	See required detail below in 5.
8.	Project Budget	Attachment 11. See also 6 below.
9.	Information Security – Vendor Risk Assessment Checklist	Attachment 16

1. Approach to Tasks in Scope of Work

All proposals will be screened for completeness and will be expected to have both the specific elements discussed below and enough information to determine a score for each section of the Evaluation Criteria. If in-kind contributions are proposed, provide descriptions of the services offered and the basis for the cost estimates provided per task.

Task 1 (Contract Management):

- Work plan for the services provided to the Energy Commission during the contract period
  - o Work plan must show that time is allocated for meeting with Energy Commission staff and preparing specified reports

Task 2 (Coordinated Drafting of Rebate Forms and Materials):

- Description of the Bidder's participation in determining the final form and contents of the rebate applications and related materials, including time allocated
- Example of forms/templates and similar materials used by the Bidder in current or prior successful rebate programs

Task 3 (Receiving, Logging, and Tracking of Rebate Claims):

- Description of the Bidder's processes for:
  - o Receiving and tracking rebates
  - o Recording and organizing data submitted as a part of the rebate application
- Description of the tools used by the Bidder for the above processes
  - o Description of the Bidder's current mail-handling capacity and its ability to handle anticipated rebate volumes. The description must include the relative volume of this program to the other programs administered by the Bidder
- Specification of the Bidder's ability to answer queries from the public regarding rebate status
- Specification of the Bidder's ability to generate reports for the Energy Commission
- Detailed start-to-finish timeline showing the step-by-step route of rebate claims, from their receipt by the Bidder to the final payment of validated rebate claims

Task 4 (Evaluation of Rebate Claims):

- Description of the Bidder's procedures for verifying rebate claim validity
- Explanation of the fraud, waste and abuse prevention measures and practices applied during rebate validation
- Demonstration that program requirements are properly understood
  - o Program requirements are found in the attached Program Guidelines. They include requirements that the new appliance be purchased from a physical retail location within California, that the new appliance be purchased within the rebate period, that the old appliance be delivered to a qualified recycler or removed by an approved haulaway program, that the appliance be purchased by a residential consumer, and that rebates are limited to one rebate per appliance type per residential household (Refer to Attachments 17 and 18)
- Description of the Bidder's handling of incomplete and/or disqualified rebate claims, including how this information will be communicated to the claimant and the claimant's ability to remedy encountered errors or deficiencies and potentially become approved for the requested rebate.

Task 5 (Transmittal of Electronic Claim Files for Validated Rebate Claims):

- Description of the Bidder's process for transmitting electronic claim files to the Energy Commission for validated rebate claims
- Description of the Bidder’s updating and tracking of validated rebate claims
- Description of the Bidder’s handling of escheat of unclaimed rebate funds to the State
  - o Description must demonstrate that the Bidder understands California’s applicable unclaimed property laws, including Part 3, Title 10 of the California Code of Civil Procedure, California Government Code Section 16304.1, and State Administrative Manual Sections 8042, 8422.7, and 8710
- Description of the ability to test and implement the electronic claims interfaces, summarize the interface test results, and participate in problem resolution
- Description of the Bidder’s process to resolve SCO audit exceptions in a timely manner (no later than 7 working days after receipt of notice of exception)

Task 6 (Provision of Customer Service):

- Description of customer service functions provided to the public, including which languages can be supported by both automated and live systems
- Description of the Bidder's preferred processes for interacting with Energy Commission staff, including primary points of contact and preferred methods of communication
- Description of the Bidder's ability and preferred method or approach to keeping both staff and the public consistently aware of the number of rebate claims received, processed, approved, and remaining during the rebate period

Task 7 (Contribution to Federal Reporting and Auditing):

- Discussion of the Bidder's ability to make timely and accurate records and reports available as needed by the Energy Commission
- Discussion of the Bidder’s ability and willingness to work with state and/or federal staff in the event of an audit, including making rebate-related records available for inspection

Task 8 (Fraud Prevention):

- Description of methodology and techniques the Bidder proposes to implement to prevent, detect, and minimize fraud, waste, and abuse based on the Program Guidelines. Descriptions must address the value and success of the proposed practices as historically observed by the Bidder, and the types of fraud and abuse they are designed to prevent
- Summary of the Bidder’s expertise in administering the described methods and techniques in similar programs

2. Team Organizational Structure

- Description of the Bidder’s organizational structure, including an organizational chart of the entire contract team
- Identification of the location of the Bidder’s and Subcontractor’s headquarters and satellite office(s) and proposed methods of minimizing costs to the State
- A short description of each firm and key members on the team

- Description of the relationship between the Bidder and proposed subcontractors
- Indication of any history of a working relationship between the team members, noting any significant success stories
- Description of professional awards
- Description of the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract
- Identification of a primary contact person. This person should attend the oral interview session. At least one person from each technical area should also attend the interview
- Description of any technical capabilities that would facilitate communicating with the Energy Commission and the State Controller's Office (e.g., internet capability and electronic reports)

3. Project Team Relevant Experience and Qualifications

Description of the Bidders proposed team, their qualifications and experience to demonstrate that they possess sufficient staff with adequate experience and capabilities to successfully fulfill the requirements of this program. This description must include:

- Length of time the Bidder has been engaged in the work of processing product rebates.
- Documentation of the project team's qualifications as they apply to performing the tasks described in the Scope of Work. Description of the nature and scope of recently completed work as it relates to the Scope of Work
- List of all Bidder staff and subcontractors (all team members) who will be committed to the tasks, and description of their roles.
- Description of job classification, relevant experience, education, academic degrees, and professional licenses of these technical staff team members
- A current resume for all team members listed
- Identification of the percentage of time each team member will be available throughout the contract
- Description of their familiarity with the administration, management, and technical expertise in performing pertinent tasks identified in the Scope of Work

4. Client References

Each Bidder shall complete a Customer Reference Form. Three customer references are required for the Bidder.

5. Previous Work Products

Each Bidder shall provide at least one example of a similar work product for the services to be provided. If more than one company will be providing technical support in a task area, each company shall submit one example product that demonstrates experience in potential work assignments described in this RFP.

6. Project Budget

The Contractor must submit information on all the attached budget forms, B-1 through B-10, and will be deemed the equivalent of a formal bid submission under the Public Contract Code. Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the contractor for this RFP.

NOTE: The information provided in these forms will **not** be kept confidential.

The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The Hourly Rates provided in B-2 and all B-5s shall be unloaded (before fringe, overheads or profit).

Budget Summary	Attachment 11, B-1
Prime Personnel Unloaded Hourly Rates	Attachment 11, B-2
Prime Personnel Hours	Attachment 11, B-2
Fee Calculation	Attachment 11, B-3
Travel, Equipment, Materials, and Misc. List	Attachment 11, B-4
Personnel Unloaded Hourly Rates for each Sub	Attachment 11, B-5
Personnel Hours for each Sub	Attachment 11, B-5
Fee Calculation for each Sub	Attachment 11, B-6
Travel, Equipment, Materials, and Misc. List for each Sub	Attachment 11, B-7
Task Budget	Attachment 11, B-8
In-Kind Contributions (If applicable)	Attachment 11, B-9
Cost Per Transaction	Attachment 11, B-10

V. Administration

COST OF DEVELOPING PROPOSAL

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

EQUIPMENT PURCHASES

We recommend that you use your own funds as well as other sources of funds which would be considered leverage funds to procure and/or build equipment. If State funds are used to purchase or build equipment, the State retains ownership interest in the equipment. (See Key Words and Definitions.)

CONFIDENTIAL SUBMITTALS

The Energy Commission will not accept or retain any proposals that are marked confidential in their entirety or seek to have any part of the proposal treated as confidential (including cost forms).

TREATMENT OF PROPOSALS

All proposals submitted will become public records and available for inspection after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted or the RFP is cancelled.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all RFPs must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq*.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a "scrutinized" company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2).

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2).

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS-

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: This RFP is subject to a mandatory participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

More information regarding DVBE and Small Business is located in Attachments 3.1 and 3.2.

If for this agreement contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then the contractor must within 60 days of receiving final payment under this agreement (or within such other time period as may be specified elsewhere in this agreement) certify in a report to the awarding department: 1) the total amount the prime contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of te contract; 3) the amount each DVBE received from the prime contractor; 4) that all payments under the contract have been made to the DVBE(s); and 5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Military & Veterans Code (M&VC) § 999.5(d))

RFP CANCELLATION AND AMENDMENTS

If it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed;
- Reject any or all Proposals received in response to this RFP; or
- Make no awards.

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission's Web Site www.energy.ca.gov/contracts and Department of General Services' Web Site www.cscr.dgs.ca.gov/cscr.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: "This proposal and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date, all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

Prior to submitting a Proposal, Bidders must take the responsibility to:

- Carefully read the entire RFP.
- Ask appropriate questions in a timely manner.
- Submit all required responses in a complete manner by the required date and time.
- Make sure that all procedures and requirements of the RFP are followed and appropriately addressed.
- Carefully re-read the entire RFP before submitting a Proposal.
- Read all sample agreement terms and conditions and ask questions by the deadline established for the solicitation.

GROUNDS TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It does not document that the prime contractor and any and all subcontractors are qualified American companies who perform all work within the United States and its territories.
- It is received after the exact time and date set for receipt of Proposals pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act Form.

- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- Non-compliance with the Single Audit Act and OMB Circular A-133 (if applicable).
- It contains confidential information, or includes any material marked as confidential.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described with the required documents described in Section IV.
- It is unsigned.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.

Protest Procedures

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either: the protest is withdrawn, the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer's consideration.

Agreement Award

After Stage Two scoring the Notice of Proposed Awards (NOPA) will be posted for five (5) working days at the Energy Commission's headquarters in Sacramento, and on the Energy Commission's and the DGS' web site. In addition, each Bidder under this solicitation will be mailed a copy of the NOPA for this solicitation. Upon completion of the five (5)-day notice period, the Energy Commission will work with the successful Bidder to verify compliance with the requirements of CEQA and, to the extent applicable, the Single Audit Act, and prepare an award package.

The Energy Commission will not consider any substantive changes to the Agreement's "terms and conditions" contained in this RFP.

If, for any reason, a successful Bidder does not sign the Agreement documents within the time allotted, the Energy Commission may eliminate that Proposal from its award list and select the next highest ranked Proposal for funding from the rank order of eligible proposals under the Solicitation.

The Energy Commission will consider approval of the Agreement at a publicly noticed Energy Commission Business Meeting.

UNSUCCESSFUL PROPOSALS

After the NOPA is posted, each unsuccessful Bidder may request a debriefing meeting with the Energy Commission Contract Office. The debriefing meeting is an opportunity for an unsuccessful Bidder to learn why their particular proposal was not successful and may provide insight to improving proposal preparation for future solicitations.

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Bidder is in effect until the agreement is signed by the Contractor, approved at an Energy Commission Business Meeting, and approved by the Department of General Services, Legal Office, if required. In addition, the Energy Commission may not approve an agreement with a successful Bidder until the Bidder has demonstrated compliance with the requirements of CEQA, and to the extent applicable, the Single Audit Act.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

Conditions or Limits on Awards

The Energy Commission reserves the right to condition, modify or otherwise limit any and all ARRA funding awards made pursuant to this RFP.

Audit

The Bureau of State Audits may audit an Agreement awarded under this RFP up to a period of three years after the final payment or termination of the Agreement. For information on items that may be audited, please see Attachment 14.

Subcontractors

The Bidder must submit the information required in the Program Team Qualifications and Experience section of the proposal for all Subcontractors including DVBE subcontractors as well as the budget forms.

The Contractor is responsible for the quality of all subcontractor work, and may only replace Subcontractors as specified under the Agreement Terms and Conditions.

Award Payments

Award payments shall be made in accordance with Exhibit B of the Agreement Terms and Conditions.

Interpretation

Nothing in this RFP shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission-designated Committee as specified in Division 15 of the Public Resources Code, commencing with Section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with Section 1001.

Key Words and Definitions

Agreement: The Agreement signed by the Bidder and the Commission, and approved by the California Department of General Services.

Bidder: Organization submitting a proposal to this RFP.

Contractor: A Bidder, after an Agreement with the Commission has been signed and approved (also referred to as a vendor).

Deliverable: Deliverables are products that incorporate the knowledge and understanding gained by performing the activities and that are submitted to the Commission for review, comment and approval.

DGS: State of California, Department of General Services.

DGS-OLS: State of California, Department of General Services, Office of Legal Services.

Equipment: An item or group of items having a useful life of at least one year, having an acquisition unit cost of at least $5,000, and purchased with Commission funds. ***Equipment*** means any products, objects, machinery, apparatus, implements or tools purchased, used or constructed within the project, including those products, objects, machinery, apparatus, implements or tools from which over thirty percent (30%) of the equipment is composed of materials purchased for the project. For purposes of determining depreciated value of equipment used in the Agreement, the project shall terminate at the end of the normal useful life of the equipment purchased, funded and/or developed with Commission funds. The Commission may determine the normal useful life of such equipment.

Proposal: The formal written response to this RFP from the Bidder. If the Commission funds the proposal, the proposal will be expressly incorporated into the Agreement.

RFP: The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder's ability to perform the RFP tasks.

State: State of California.

Subcontractor: For the purposes of this RFP, contractors, subcontractors, or vendors to the Prime Contractor.

Successful Bidder: A Contractor and Bidder whose project proposal is accepted by the Energy Commission to be implemented by an Agreement.

VI. ARRA-SPECIFIC INFORMATION

This section provides information that is specific to this ARRA funded solicitation.

TRANSPARENCY AND REPORTING

The American Recovery and Reinvestment Act has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability.[1] The federal government has set the following accountability and transparency objectives:

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance,[2] and instructions in Funding Opportunity Announcement (FOA) DE-FOA-0000119.[3] Recipients shall ensure that the requirements of applicable Federal, State and local laws, regulations, DOE policy and guidance, and instructions in FOA DE-FOA-0000119 are communicated to sub-recipients to the extent necessary to ensure the recipient's compliance with the requirements.

The federal government created the Recovery and Transparency Board to coordinate and conduct oversight of funds distributed under ARRA to prevent fraud, waste and abuse. California created the Office of the Inspector General to insure that stimulus dollars are spent wisely and well, including the deterrence, detection and disclosure of any fraud, waste and abuses.

DOE encourages a high degree of leveraging to extend the impact of the ARRA funds, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance.

Details on reporting requirements can be found in the Office of Management and Budget reporting requirements listed in the "Federal And State Laws, Regulations, and Guidelines" Part of Section I (Introduction) of this RFP.

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[1] Information regarding accountability and transparency can be found at: http://www.recovery.gov/?q=content/accountability-and-transparency and http://www.inspectorgeneral.ca.gov/General_Information.html.

[2] http://www.recovery.gov/sites/default/files/m09-15.pdf.

[3] https://www.fedconnect.net/FedConnect/?doc=DE-FOA-0000119&agency=DOE.

INFORMATION ON COMPLYING WITH SINGLE AUDIT ACT

If you are a public entity expecting to receive and use any federal funds, you must comply with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133, *How to Comply with the Single Audit Act* (http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf).

PROGRAM EVALUATION, PROJECT MONITORING, AND VERIFICATION

Proper stewardship surrounding the administration, reporting, accounting and transparency of ARRA funds is essential in the Energy Commission's administration of the SEEARP. Federal and state agencies, the Energy Commission, or their respective agents will audit a sample of funding recipients to verify compliance with the ARRA reporting requirements, the solicitation document, and to measure and verify appropriate use and expenditure of ARRA funds. In addition, the Energy Commission will monitor the progress of contract agreements and evaluate the effectiveness of particular projects.

ENFORCEMENT ACTION

1. Recovery of Overpayment

   The ARRA Committee, with the concurrence of the Energy Commission, may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any recipient or former recipient to recover any portion of a funding award the Committee determines the recipient or former recipient was not otherwise entitled to receive.

2. Fraud and Misrepresentation

   The Energy Commission or the ARRA Committee may initiate an investigation of any recipient which it has reason to believe may have misstated, falsified, or misrepresented information in applying for a funding award, invoicing for a funding award payment, or in reporting any information. Based on the results of the investigation, the Energy Commission or ARRA Committee may take any action it deems appropriate, including, but not limited to, cancellation of the funding award, recovery of any overpayment, and recommending the initiation of an Attorney General Investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law. The State of California, through the Attorney General's Office or other state agency, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEEARP funds as appropriate.

3. Federal Action

   The Federal government, through various departments, including, but not limited to, DOE and the U.S. Department of Justice, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEEARP funds as appropriate.

USE AND DISCLOSURE OF INFORMATION AND REPORTS

The Energy Commission, other state agencies, the federal government, or their respective authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit to determine eligibility and compliance with applicable law, or a particular contract agreement, to evaluate the pertinent program or program elements, and to prepare necessary reports as required by law. The information and records include, but are not limited to, applications for funding, invoices for award payments, and any documentation submitted in support of said applications or invoices.

Information and records submitted will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

Bidders should note that ARRA funds are subject to information disclosure requirements through the federal Office of Management and Budget as well as other federal agencies to ensure transparency. Information concerning the identity of recipients and the amount of payment of awards is public information, and will be disclosed as part of the ARRA transparency requirements and in accordance with the California Public Records Act. This information, along with other public information describing the funding recipients, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commissions website, another state agency's website, a federal government website, or through other means.

If, as part of any audit, the Energy Commission requires a recipient to provide copies of records that the recipient believes contain proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.